1986
ANNUAL
REPORT

FARMERS' ADVOCATE

Alberta
AGRICULTURE

87-02121/

Copies of this publication may be obtained from:

Print Media Branch
Alberta Agriculture
7000 - 113 Street
Edmonton, Alberta, T6H 5T6
OR
Alberta Agriculture's district offices

1986 03 500
1987 03 300

Alberta
AGRICULTURE

Office of the Farmers' Advocate of Alberta

HELMUT P. ENTRUP
FARMERS' ADVOCATE OF ALBERTA

3rd Floor, J. G. O'Donoghue Building, 7000 - 113 Street, Edmonton, Alberta, Canada T6H 5T6 403/427-2433

February 13, 1987.

Honourable Peter Elzinga,
Minister of Agriculture,
324 Legislature Building,
Edmonton, Alberta.
T5K 2B6

Dear Sir:

I have the honour to present the Annual Report of the Farmers' Advocate of Alberta for the period January 1, 1986 to December 31, 1986.

Respectfully submitted,

Helmut P. Entrup

HELMUT P. ENTRUP
FARMERS' ADVOCATE OF ALBERTA

OFFICE OF THE

FARMERS' ADVOCATE OF ALBERTA

1986

ANNUAL REPORT

****

TABLE OF CONTENTS

INTRODUCTION.....1

JURISDICTION.....2

GENERAL COMMENTS.....3

SURFACE RIGHTS.....4

RURAL MUNICIPALITIES.....6

RIGHT-TO-FARM.....6

FINANCIAL PROBLEMS.....7

FARM ORGANIZATIONS.....7

INSURANCE AND THE FARM INDUSTRY.....8

WILDLIFE DAMAGE AND THE ALBERTA
HAIL AND CROP INSURANCE.....9

FREEHOLD MINERALS.....10

POTABLE GROUNDWATER.....11

WATER WELL RECOVERY PROGRAM..... 12

IRRIGATION DISTRICTS.....13

SEISMIC.....13

LIVESTOCK PREDATOR INDEMNITY PROGRAM.....14

RURAL CRIME WATCH.....15

MEDIATION AND EDUCATION.....16

OFFICE ADMINISTRATION.....18

MEETING SCHEDULE.....19

FILE CLASSIFICATIONS.....28

SOURCE OF COMPLAINTS.....45

CASE SUMMARIES.....49

INTRODUCTION

The Office of the Farmers' Advocate of Alberta, reporting directly to the Minister of Agriculture, is attached to the Department of Agriculture and is located in the J.G. O'Donoghue Building, 7000 - 113 Street, Edmonton, Alberta. All necessary office supplies are requisitioned and the annual budget submitted through this Department.

This Report provides a resume of our activities. It also provides an opportunity to express our appreciation, through the Minister, to other Departments and Agencies of Government for assistance they have provided. The cooperation received from the sections of the private sector we are involved with is appreciated, as is the valuable support from the Provincial News Media.

In addition, we attempt to detail the workings of the Office, to delineate and provide some synoptic illustrations of the many cases we have dealt with during the past year.

JURISDICTION

The Farmers' Advocate of Alberta has two primary functions:

Firstly, to investigate and solve problems and act as mediator in disputes which involve farmers and other segments of industry.

Secondly, to act in an advisory capacity. Based on past experience and in the similarity among complaints, we are in a position to advise farmers, or present to farmers alternative routes to follow in an attempt to settle their outstanding complaints.

In disputes of individuals with Local Government (Rural Municipalities, Counties, and Improvement Districts), we advance these complaints to the respective body and request information pertaining to these cases. If it is found by this Office that the complaint is justified, we take measures to encourage the respective body to review the circumstances with us in an attempt to find a solution to the problem. We are pleased with the cooperation that we have received from all levels of Local Government.

We do not involve ourselves in cases where the complainant retains the services of a lawyer and withdraw from any case where the complainant subsequently retains legal service. With these exceptions, we attempt to mediate between two opposing parties with the aim of reaching an out-of-court settlement. Although farmers may have a legal remedy, litigation in many cases is far too expensive, too time consuming, and too mysterious and uncertain a procedure for all but a handful of farmers to pursue to a successful conclusion.

Therefore, we stress private negotiation between two opposing parties, always stressing an appreciation and understanding for the position taken by the other side.

GENERAL COMMENTS

As we report on the Office's 14th year of operation, it is notable that the complaints and enquiries coming forward from the farm community are ever changing, yet never changing, insofar as they reflect current concerns of agriculture in an ever changing world.

As has been the practice in preceding reports, we will try to list and expand on what we feel are the main and recurring areas of concern as viewed by this Office, concerns that have been brought to our attention by letter or personal contact.

I would like to take this opportunity to thank all previous Ministers of Agriculture and the present Minister of Agriculture under which we had the pleasure to serve, the Farm Organizations, the Alberta Association of Municipal Districts and Counties, and the many Departments of Government who have assisted us and cooperated with our Office for the advantage of the farm community in general.

SURFACE RIGHTS

The frequency of disputes in this area has diminished to some extent in the past year. We would like to believe that the educational program carried out by the Office over the past years has been at least partly responsible for this situation. It is however worthy of note that the slower economy may also be a contributing factor.

The new model "Surface Lease Agreement" sponsored by the Office after input from farm and industry groups is now in general use and enjoys excellent acceptance as a model agreement.

Powerlines have been a major contributor to inquiries this year, as more people realize that an annual compensation may be negotiated on major transmission lines (69 KVA and above).

The loss of shelterbelts because of powerline construction has often had a severe negative effect on farmers and their lands but on the other side of the coin, replacement of well grown trees from another area is prohibitively expensive. One has to recognize also that the powerlines are necessary to serve the needs of all Albertans and their existence is not a matter of choice. Where planted shelterbelts exist adjacent to building sites, it is always possible to have the trees trimmed under the line instead of removal of the trees. There has to be more appreciation of the value of shelterbelts by the power companies and their contractors in order to preserve them whenever possible.

Cause for concern in the farm community focuses on the reversing of two Surface Rights Board decisions by the Courts. These decisions relate to the old issue of residual and reversionary value as it relates to a Surface Lease acquired by way of a Right-of-Entry Order by the Surface Rights Board. In the one decision, the Judge declared that the farmer should not be paid for the leased lands if he was going to be paid annual compensation (crop loss and adverse effect) as well. This comes as a shock to the farm community as the principals of payment heretofore have been well established.

Cont'd.

SURFACE-RIGHTS CONT'D

Cause for further concern is a challenge in the Courts to the method of awarding costs under Section 26 of the Surface Rights Act. This section has been challenged in the Courts under the "Charter Of Rights", which indicates that "all shall be equal before the law". The argument is made that for it to be prescribed in the Surface Rights Act in what manner the costs shall be allocated does not constitute equality before the law for the parties involved. Fortunately at this point decisions by the Courts have been positive for the farming community.

As this Annual Report goes to print, the Farmers' Advocate Office is involved in a meeting with the Utility Companies on a new Utility Right-of-Way Agreement that will more appropriately relate to today's needs. Further meetings will be scheduled with the farm community through their organizations and hopefully a new document will come into being by the end of 1987.

RURAL MUNICIPALITIES

Our Office has continued to have a good working relationship with the Municipal Governments in the Province. We are proud of the confidence which the Municipalities have shown in our Office as demonstrated by their willingness to abide by our recommendations.

The Farmers' Advocate will continue to mediate when requested by either local government or ratepayers. It will continue to draw on its many years of experience in this area, which I believe is one of good judgment and fair play.

RIGHT-TO-FARM

Cases continue to be brought to the attention of this Office that relate to the conflict that can arise when agriculture and non-agriculture users are neighbours.

The potential for legal action is one of the concerns often voiced. This potential has translated into law suits and their related costs for some farmers in past years.

The few cases brought to our attention this year were all settled outside the Courts.

FINANCIAL PROBLEMS

Many financial hardship cases were brought to the attention of the Office this year. Some farmers we were able to assist in a positive manner in their negotiations with lending institutions, some we could not help.

The establishment of the "Farm Debt Review Board" in the Province has reduced our work load in this area over the past few months.

Earlier in the year many inquiries came to the Office concerning the "Farm Credit Stability Program". After the establishment of the Program Office and hot-line service, these calls diminished.

FARM ORGANIZATIONS

We wish to thank the many farm organizations in the Province for their cooperation over the past year. I and my Assistant have attended annual and semi-annual meetings of several major farm organizations in the past year as well as those of the Alberta Association of Municipal Districts and Counties.

Past experience has shown that this personal contact with the membership is vital in keeping abreast of farm problems and issues.

Many times our personal contact with the membership has proved invaluable in the resolution of subsequent disputes.

INSURANCE AND THE FARM INDUSTRY

Farmers continue to experience difficulty as it relates to the insurance industry. We have commented on this in previous years but unfortunately, we have to report that we are still experiencing complaints against the industry in general and adjustors in particular.

In many cases, farmers are not getting the type of coverage they have requested and this does not become known to them until such a time as a claim is submitted and rejected. Farmers are then being made aware that what they thought was the case, in effect is not, and have been asked to absorb many losses, which otherwise they felt would be covered by their insurance policies. In some cases the response from the insurance adjustors is the automatic rejection of a farmer's claim. The farmer is then forced into the unenviable position of not only having to face the prospect of incurring a substantial loss, but having to sue the insurance company who, for all intents and purposes, portrayed themselves as offering coverage which in many cases appears to be non-existent.

At least part of the blame must rest with farmers for not taking the time to read their policies to make sure the concerns expressed in the negotiation stage of these policies are indeed included in the written policy.

It is my observation that further information and/or education on the subject of insurance would be desirable.

WILDLIFE DAMAGE AND ALBERTA HAIL AND CROP INSURANCE

Wildlife damage disputes that reach the Farmers' Advocate Office have continued to decline. This may be partly due to a mild winter, as they relate to ungulate predation of feed stocks but it would seem there are fewer disputes over grain damage by ducks and geese. In the discussions we have had at farm meetings it would seem there is an increased awareness of the vital role the farmer plays in the wildlife scene. That awareness seems to have translated into a more realistic settlement of damage claims.

Some appeals have been received to the decisions of the Alberta Hail and Crop Insurance Corporation. The majority of the complaints had no substance, however in a few instances appeals were arranged before the Corporation's Board of Directors and decisions were reversed.

It is notable that complaints over the Livestock Feed Security Program, which is an experimental program, have been addressed by the Legislative Review Committee.

FREEHOLD MINERALS

Given the numbers of private individuals in the Province holding mineral interests, the inquiries are inordinately high. Aside from general information inquiries, we have been able to isolate an ongoing and extensive problem that relates to the natural gas interests.

Producing Companies are loath to sign a lease with a mineral owner which does not specify that the lessor shall receive his percentage of production at the wellhead. The result of this is that the companies are given almost free reign to charge whatever costs they wish for the processing and the transportation of the product to the place of sale. Costs associated with the capitalization of a processing facility may also be built into this charge assessed against the owner of the mineral interest. The end result is that a lessor leasing his gas at twelve and one-half percent royalty rate may end up with an effective three percent royalty rate.

We cannot argue against the principle of these deductions but it is far more appropriate when they are made against a lessor that may be leasing minerals at a percentage of royalty common in Crown Leases or as established in Federal Legislation relating to Indian Reserves.

The average freeholder leases his minerals at rates from twelve and one half to twenty percent, so one has to recognize that they are already discounted at the time the lease is taken.

POTABLE GROUNDWATER

Concerns continue in the farm community over the use of potable groundwater for oilfield flood purposes. My Office continues to view this issue as one that must be carefully monitored as potable groundwater is surely one of our most precious resources. We continue to encourage viewing other alternatives such as salt water flood from deeper wells or the development of surface sources from runoff, etc.

Meetings are presently under way with the Department of the Environment, the Alberta Water Resources Commission, Farm and Industry Group, the Department of Agriculture and the Water Well Drillers Association for the purpose of establishing some meaningful guidelines for the groundwater withdrawal by industry.

The Alberta Association of Muncipal Districts and Counties (AAMD&C) are also very concerned over the issue and have representation on the Committee.

WATER WELL RECOVERY PROGRAM

The Water Well Recovery Program which was instituted in 1978, has proven very worthwhile through the years in assisting the farmers to recover costs associated with drilling new water wells when it appears that their wells have been damaged or destroyed by activities associated with the oil or geophysical industries.

The Program continues to function well with the number of applications higher in the latter part of the year, this coincides with the increase in seismic activity.

It is gratifying to receive the support for this Program from our two primary industries, namely Oil and Gas (Seismic) and Agriculture. The Program also has received the blessing and cooperation of the Energy Resources Conservation Board.

Since its inception in 1978, retroactive to 1976, the Program has averaged a payout of approximately $63,000.00 per annum, a relatively small amount in comparison to the benefits it has generated.

A landowner's assurance that he has recourse to a remedy if his water well is adversely affected by Resource Company activity, smooths the way in the signing of contracts for well sites and allowing seismic activity on their land. Many costly litigations have been avoided due to the Program which enhances harmonious relations between landowners and companies.

It is appreciated that the industry has accepted their responsibility in this regard, a responsibility they have accepted often in the absence of any hard evidence relative to the reasons for well failure.

IRRIGATION DISTRICTS

Disputes between farmers and their Irrigation Districts have often been difficult to deal with. Complainants often seem to have little communication with their Director who forms part of the Board. Suggestions have been made to us that an improved mechanism for the settlement of disputes should be considered. With few exceptions, Irrigation Districts are doing their utmost to improve their delivery systems and bring more water users on stream.

People problems over taking of land for canals, seepage of older ditches and increased alkalinity are causes of confrontation. I wish to give a bouquet to the Eastern Irrigation District for making an exceptional effort to accommodate their water users. No problems from that District come to the attention of our Office.

SEISMIC

Geophysical related concerns have generated a substantial amount of inquiries again this year, principally in the latter half of the year. Most inquiries, usually by telephone, have been general in nature and primarily related to compensation and property rights.

LIVESTOCK PREDATOR INDEMNITY PROGRAM

The Farmers' Advocate acts as the appeal body for livestock owners who suffer livestock losses by predators and who, upon making application under the program, have their claim denied.

Rejected producers express much dissatisfaction with the program, one reason being that death by predators is difficult to prove. The difficulty in proof exists for two reasons:

1. That most producers under farm and range conditions do not have a daily check on animals, and

2. That a carnivore will consume the carcass before discovery by the producers, or if the carcass is not totally consumed, decay aided by hot summer weather will make an autopsy almost impossible in a very short time.

In summary it is an almost impossible task to separate cases of cheating and negligence from legitimate predator losses, predator losses that can and often are substantial in agricultural lands on the fringe of the green or bush areas.

My Office in its capacity of appeal body to those dissatisfied with a Judgment of the committee has typically investigated the appealed case and taken it back to the committee for judgment. In the future we may, in some cases after the investigation, exercise our prerogative of submitting our recommendation to the Minister for a final decision.

RURAL CRIME WATCH

As one of the sponsoring bodies of the Rural Crime Watch movement, we are happy to report that its numbers continue to grow. The Alberta Cattle Commission and the Western Stock Growers Association, who are the other two sponsoring organizations, continue in their vital support roles.

It was with gratification that the Farmers' Advocate was the recipient of the Solicitor General's Award for Crime Prevention in 1986.

Rural Crime Watch Supplies---signs, decals, etc. are warehoused at the Farmers' Advocate Office and orders are filled from here. The Alberta Cattle Commission bankrolls the inventory of supplies and handles all financial affairs.

A Rural Crime Watch group or member wishing to order supplies will send his order and money to the Alberta Cattle Commission. The Commission will then send us the order which will be filled from our Office.

Farmers everywhere are being encouraged to mark all farm equipment and tools for easy identification, use grainfetti for identification of grain, and use the branding iron carefully on all livestock.

My Office wishes to thank the R.C.M.P. and the Solicitor General's Office for their cooperation and assistance.

MEDIATION AND EDUCATION

Our main concern, other than mediation of problems, remains now as it has in the past, that of educating farmers and in extending to them the tools and information needed to make them more cognizant of what potential dangers lay ahead in all their operations. Farmers now realize that not only too little or too much rain, hail, and not enough sun and such, can go a long way to make what is otherwise a viable farm operation less viable or non-viable, they are also realizing that due to the technological advances in farming and the ever changing techniques encompassed in the day-to-day operation, that they must be aware of other areas which pose problems to them. It is these potential problems and concerns that we have dealt with and continue to deal with that have proven so rewarding to this Office.

Concerns expressed to this Office are limited only by the problems encountered by farmers as we have no hard and fast perimeters in which to operate. In many cases, this Office has the expertise to prove of assistance to farmers whether it be at the informational stage or in its role of mediation, whether it be problems between farmers and companies, farmers versus farmers, or farmers and any other segment of our economic as well as social structures.

One of our most important functions is that of making farmers aware of potential problems or circumstances which may prove very foreign to them over and above their normal farming operation. It is in this area that we are most beneficial, not only to them but also to the other party of the complaint or inquiry, as the vast majority of companies are more than willing to allow our involvement in an attempt to rectify through mediation which, in many cases is no more than a misunderstanding or a conflict of personalities.

Cont'd.

We have not been able to solve all the problems, nor were we able to find solutions to some of the many varying problems. However it cannot be said that we did not try. We feel that anyone, whether it be a Government Official or an individual who is striving to do the best job possible, who can go all year and say that they did not make an honest mistake, has not been doing their job.

We feel we have addressed all concerns and complaints that have been brought to our attention objectively, and have not avoided responsibility by refusing to extend our assistance where required. However, in some cases we have not been able to bring about the settlement or conclusion sought by the individuals and have thus been openly critisized. We stand by the decisions we have made, as they have been based on the information submitted and investigated by us.

If we have made mistakes, it is not because we have predetermined the outcome but have found that we, like the individual bringing the concerns to us, have been unable to overturn what has happened. We make no apologies for the actions taken in cases of this nature and will continue to strive to be unbiased, objective and fair in our treatment of all cases brought before this Office. A great deal of educational or informational material is available through our Office or Alberta Agriculture Information Services Division. A few of the information pamphlets initiated or compiled by this Office are as follows:

- Farmers and the Law
- Negotiating Surface Rights
- Seismic Operations & Farmers' Rights
- Leasing Mineral Rights
- Rural Crime Watch Constitution and By-Laws.

OFFICE ADMINISTRATION

At the writing of this Report the Office of the Farmers' Advocate of Alberta consists of the following members:

Helmut P. Entrup	Farmers' Advocate of Alberta
Clifford Downey	Executive Assistant to the Farmers' Advocate of Alberta
Roland Mowatt	Temporary Research Assistant
Mary Leach	Principal Secretary
Gail Von Crat	Secretary

I would like to take this opportunity to thank all my staff for their continued outstanding service which contributes to the efficiency and success of this Office.

MEETINGS - 1986

JANUARY

9	Surface Rights Concerns	Vauxhall
13 - 15	Farm Organization Concerns	Edmonton
13	Surface Rights Concerns	Arrowwood
14	Agricultural Concerns	Edmonton
14	Land Concerns	Lacombe
14	Surface Rights Concerns	Falher
16	County/Farm Concerns	Lamont
16 - 18	Agricultural Concerns	Red Deer
20	Crime Prevention Concerns	Edmonton
20	Surface Rights Concerns	Barrhead
23	Bankruptcy Concerns	Calgary
23	Surface Rights Concerns	Pincher Creek
26	Land Concerns	Lethbridge
27	Surface Rights Concerns	Manyberries
28	Utility Concerns	Edmonton
28	Livestock Predation Concerns	Edmonton
28	Surface Rights Concerns	Foremost
28	Surface Rights Concerns	Calgary
29	Oil Company Concerns	Elk Point
30	Municipality Concerns	Edmonton
31	Land/Cattle Concerns	Calgary

FEBRUARY

6	Municipality Concerns	Edmonton
7	Rural Utility Concerns	Peace River
10 - 13	Agricultural Concerns	Edmonton
11	Surface Rights Concerns	Harmatten Hall
11	Surface Rights Concerns	Sundre
12	Surface Rights Concerns	Tees
13	Surface Rights Concerns	Vermilion
14	Surface Rights Concerns	Elnora
14	Geophysical Concerns	Calgary
17 - 19	Agricultural Concerns	Edmonton
20	Surface Rights Concerns	Provost
21	Water Well Hearings	Stettler
21	Surface Rights Concerns	Elnora
24	Surface Rights Concerns	Innisfree
25	Surface Rights Concerns	Clandonald
27	Surface Rights Concerns	Ponoka
28	Agricultural Concerns	Red Deer

MARCH

1	Crime Prevention Concerns	Viking
3	Rural Utility Concerns	Drumheller
6	Water Well Hearings	Leduc
10	Crime Prevention Concerns	Fort Saskatchewan
10	Water Well Hearings	Stony Plain
10	Water Well Hearings	Bruderheim
11	Insurance Concerns	Lacombe
11 - 12	Agricultural Concerns	Edmonton
14	Utility Concerns	Edmonton
14	Surface Rights Concerns	Consort
18	Water Well Hearings	Leduc
20	Crime Prevention Concerns	Edmonton
21	Water Well Hearings	St. Paul
24	Crime Prevention Concerns	St. Michael
24 - 25	Rural Energy Concerns	Calgary
25 - 27	Agricultural Concerns	Calgary
26	Rural Utility Concerns	Manville
26	Rural Utility Concerns	Edmonton
27	Water Well Hearings	Barrhead

APRIL

1 - 2	Municipality Concerns	Calgary
2	Farmland Concerns	Rosebud
2	Farmland Concerns	Beiseker/Airdrie
2	Land Concerns	Oyen
4	Water Well Hearings	Wainwright
7	Rural Crime Prevention	Fawcett
8	Farmland Concerns	Red Deer
8	Rural Crime Prevention	Edmonton
9	Surface Rights Concerns	Westlock
9	Surface Rights Concerns	Drayton Valley
9	Surface Rights Concerns	Edson
10	Surface Rights Concerns	Stettler
11	Surface Rights Concerns	Westlock
14	Surface Rights Concerns	Camrose
15	Insurance Concerns	Lacombe
15	Potable Water Concerns	Sylvan Lake
16	Dairy Concerns	Red Deer
22	Surface Rights Concerns	Ponoka
22	Rural Land Concerns	Mecca Glen
22	Surface Rights Concerns	Gadsby
24	Rural Utility Concerns	Edmonton
25	Rural Land Concerns	Didsbury
25	Surface Rights Concerns	Ponoka

APRIL - CONT'D.

28	Drainage Concerns	Two Hills
29	Rural Crime Prevention	Didsbury
29	Water Well Hearings	Provost
29	Surface Rights Concerns	Coronation
30	Rural Utility Concerns	Westlock

MAY

1	Water Well Hearings	Ponoka
8	Water Well Hearings	Lacombe
10	Farm Equipment Concerns	Westlock
13 - 15	Environmental Concerns	Calgary
19	Farmland Concerns	Lacombe
20	Milk Producers Concerns	Wainwright
20	Rural Utility Concerns	Wainwright
21	Water Well Hearings	Hanna
22	Farmland Concerns	Buck Lake
27 - 28	Agricultural Concerns	Edmonton
29	Rural Land Concerns	Westlock
30	Surface Rights Concerns	Calgary
30	Agricutural Concerns	Olds

JUNE

3	Surface Rights Concerns	Drayton Valley
4	Surface Rights Concerns	Calgary
5	Rural Land Concerns	Cardston
10	Surface Rights Concerns	Drayton Valley
17	Rural Crime Prevention	Red Deer
17-18	Land/Cattle Concerns	Red Deer
24	Farmland Concerns	Drayton Valley
24-25	Rural Utility Concerns	Edmonton
25	Rural Land Concerns	Goodrich Lake

JULY

3	Seed Cleaning Concerns	Wetaskiwin
9	Farmland Concerns	Sylvan Lake
9	Surface Rights Concerns	Mecca Glen
14-16	Agricultural Concerns	Edmonton
14	Rural Crime Prevention	Viking
15	Rural Crime Prevention	St. Michael
15-17	Rural Land Concerns	Airdrie/Calgary
20	Wildlife Damage Concerns	Cardston
22	Seed Cleaning Concerns	Wetaskiwin
25	Surface Rights Concerns	Kinsella
28	Rural Crime Prevention	Edson

AUGUST

5	Farmland Concerns	Edmonton
6	Farmland Concerns	Lethbridge
8	Municipality Concerns	Edmonton
12	Agricultural Concerns	Flatbush
14	Surface Rights Concerns	Rocky Mountain House
18	Water Well Hearings	Barrhead
19	Water Well Hearings	Wetaskiwin
19	Farmland Concerns	Lethbridge
19 - 21	Agricultural Concerns	Vauxhall
22	Farm Grain Concerns	Barrhead
23	Farm Equipment Concerns	Gibbons

SEPTEMBER

4	Water Well Hearings	Vulcan
9	Surface Rights Concerns	Nanton
10	Farmland Concerns	Halkirk/Gadsby
10	Farmland Concerns	Calgary
11	Transportation Concerns	Golden/Revelstoke
12 - 13	Farmland Concerns	Lethbridge
15	Farmland Concerns	Alsike
15	Surface Rights Concerns	Warburg

SEPTEMBER - CONT'D.

22 - 23	Groundwater Concerns	Edmonton
23	Surface Rights Concerns	Rimbey
25	Farmland Concerns	Gadsby
25	Surface Rights Concerns	Vermilion
29 - 30	Surface Rights Concerns	Calgary

OCTOBER

6	Water Well Hearings	Lacombe
9	Water Well Hearings	Barrhead
20	Environmental Concerns	Edmonton
22	Rural Crime Prevention	Okotoks
22	Rural Crime Prevention	Calgary
22 - 23	Agricultural Concerns	Edmonton
23	Livestock Predation Concerns	Grande Prairie
23	Rural Crime Prevention	Calgary
24	Agricultural Concerns	Edmonton
27	Farmland Concerns	Calgary
27	Farmland Concerns	Medicine Hat
28	Farmland Concerns	Seven Persons
28	Water Well Hearings	Medicine Hat
29	Farmland Concerns	Edson

NOVEMBER

2	Rural Crime Prevention	Edmonton
4	Water Well Hearings	Stony Plain
6	Livestock Predation Concerns	Edmonton
7	Water Well Hearings	Vermilion
8	Surface Rights Concerns	Gadsby
10 - 15	Municipality Concerns	Edmonton
13 - 14	Agricultural Concerns	Calgary
18 - 20	Rural Gas Concerns	Red Deer
19	Surface Rights Concerns	Edmonton
20 - 21	Environmental Concerns	Edmonton
24 - 28	Agricultural Concerns	Calgary
24	Surface Rights Concerns	High River
28	Farmland Concerns	Stettler/Gadsby

DECEMBER

1 - 3	Land/Livestock Concerns	Calgary
17	Water Well Hearings	Athabasca
17	Surface Rights Concerns	Calgary
22	Farmland Concerns	Redwater
29	Farmland Concerns	Redwater

SURFACE RIGHTS - WELLS-PIPELINES

Seeks assistance in determining compensation for wellsite and access road	Assistance Rendered
Feels wells on nearby lands draining his minerals	Information Supplied
Seeking payment from oil company for damages	Information Supplied
Concerns regarding overpayment of royalties	Information Supplied
Wants information on wellsites, powerlines, etc.	Information Supplied
Seeks assistance obtaining dugout payment	Information Supplied
Seeks compensation for damage to land	Information Supplied
Seeks information concerning wellsite	Information Supplied
Impossible to farm land in spring due to wet conditions	Referred to Department Concerned
Seeks compensation for well that caved in	Information Supplied
Seeks help obtaining compensation for well problem	Information Supplied
Concerned about use of established trails on Crown land for energy development	Not Justified
Complaint that pipeline built on property where he intended to build house	Information Supplied
Seeks compensation for damages from oil company	Information Supplied
Seeks compensation for damages caused by oil spill	Rectified

SURFACE RIGHTS - WELLS-PIPELINES CONT'D.

Claims minerals apparently leased to wrong party	Not Justified
Seeks help in receiving more compensation from oil company	Information Supplied
Seeks help obtaining compensation for an abandoned, leaky gas valve	Information Supplied
Requests sour gas plant be kept away from his beekeeping warehouse	Information Supplied
Seeks annual compensation for above ground installation on pipeline	Information Supplied
Seeks assistance in negotiating a contract	Information Supplied
Complaint over high gas processing fees (Gas Cost Allowance)	Information Supplied
Seeks compensation from oil company for use of land	Required Litigation
Municipal District feels they should not have to pay for relocation of pipeline	Under Investigation
Seeks assistance in settling damage dispute with pipeline company	Required Litigation
Seeks compensation for lien placed on land by oil company	Not Justified
Seeks additional compensation for right-of-way	Referred to Department Concerned
Seeks full compensation from oil company after permit cancelled	Justified, Rectified
Seeks higher compensation for rental of campsite	Information Supplied
Seeks compensation for damages due to washouts	Information Supplied

SURFACE RIGHTS - WELLS-PIPELINES CONT'D.

Having problems negotiating reasonable compensation for lease	Assistance Rendered
Seeks compensation for weeds on pipeline right-of-way	Assistance Rendered
Feels he should get higher compensation for wellsite	Information Supplied
Seeks compensation from oil production on adjoining land	Information Supplied
Seeks compensation for surveyed and ploughed roadway on land	Required Litigation
Wants compensation for damages if pipeline ever breaks	Information Supplied
Seeks compensation for damages caused by pipeline on land	Rectified
Seeks damage settlement from oil company for loss of hay crop	Under Investigation
Seeks compensation from oil company for well	Unable to Assist
Wondering if oil company's offer for a pipeline right-of-way is fair	Information Supplied
Seeks compensation for damages caused by removal of drilling rig and restoration	Required Litigation
Seeks annual compensation for wellsite	Information Supplied
Seeks compensation for flowing hole problem	Under Investigation
Seeks assistance in settling line-break dispute	Rectified
Seeks compensation for wellsite cleanup	Assistance Rendered

SURFACE RIGHTS - WELLS-PIPELINES CONT'D

Seeks compensation from oil company for damages	Under Investigation
Seeks upgrading of annual compensation	Rectified
Wants pipeline on his land moved	Rectified
Seeking payment of rental which is past due date	Under Investigation
Seeks information regarding compensation on wellsite	Information Supplied
Seeks compensation for damages to field	Information Supplied
Seeks higher compensation from oil company for gas plant	Information Supplied
Feels he should receive more compensation for damage to land	Under Investigation
Seeks compensation for restoration of lease	Rectified

SURFACE RIGHTS - POWERLINES

Seeks higher compensation for use of land	Under Investigation
Seeks upgrading of annual compensation	Information Supplied
Dissatisfied with amount of power consumption claimed	Information Supplied
Complaint regarding placement of power poles on land	Information Supplied
Concerned about TV interference from power line	Information Supplied
Feels not getting enough compensation for his land	Assistance Rendered

SURFACE RIGHTS - POWERLINES CONT'D.

Seeking annual compensation for transmission line	Assistance Rendered
Seeks compensation for loss of calving yard due to proposed transmission line	Under Investigation
Seeks information on definition of "Major Transmission Line"	Information Supplied
Power company agrees to pay compensation for poles on land but he would like to have poles removed	Assistance Rendered
Power company trespassed and installed powerline which resulted in destruction of trees-seeks compensation for same	Under Investigation
Seeks compensation for powerlines on his land	Information Supplied
Seeks compensation for damaged trees	Information Supplied
Feels he should be compensated for trees cut down by power company	Information Supplied
Seeks help in getting power turned on at acreage	Assistance Rendered
Seeks compensation for unsatisfactory cleanup by power company	Information Supplied
Seeks compensation from power company for damages that occurred when fence was down	Under Investigation

SURFACE RIGHTS - HIGHWAYS, ROADS

Seeks information concerning land taken for highway	Information Supplied
Seeks compensation for damages caused to land	Rectified
Concerned over restrictions placed on access to farmland	Assistance Rendered
Seeks compensation for land taken	Information Supplied
Feels his land not worked adequately	Information Supplied
Road constructed partially on private property due to improper survey	Assistance Rendered

SURFACE RIGHTS - MINERALS

Seeks information on leasing mineral rights	Information Supplied
Seeks help in having caveat against land removed	Assistance Rendered

SURFACE RIGHTS - GENERAL, SEISMIC

Seeks compensation from oil company for damages caused by fire	Rectified
Seek compensation for damages from geophysical company	Rectified
Feels he should be getting higher compensation from oil company	Information Supplied
Seeks compensation for damages from oil company	Assistance Rendered
Seeks compensation for damages from oil company	Referred to Department Concerned

SURFACE RIGHTS - LAND PROBLEMS

Loss of valuable topsoil due to pipeline construction	Referred to Department Concerned
Feels he should be reimbursed for crop insurance	Information Supplied
Lost portion of land due to expansion of lake	Information Supplied
Problems with borrow pit on property	Referred to Department Concerned
Dispute with Irrigation District concerning crop damage	Unable to Assist
Wants land sold by auction rather than sealed tender	Unable to Assist
Seeks compensation for crop damage due to weed infestation	Referred to Department Concerned
Feels he did not receive enough money for his grain	Information Supplied
Concerned about undesirable soil conditions from proposed irrigation reservoir	Information Supplied
Seeks compensation for trees damaged by power company	Rectified
Seeks compensation for loss of land use	Under Investigation
Seeks compensation for crop loss due to herbicide damage	Rectified

WILDLIFE DAMAGE & PREDATOR COMPENSATION

Wants to appeal rejection of claim	Unable to Assist
Seeks compensation for horse shot during hunting season	Information Supplied
Wants to appeal rejection of claim	Information Supplied
Feels he should receive more compensation for loss of calves	Unable to Assist
Wants to appeal rejection of claim	Unable to Assist
Seeks help with appeal process	Information Supplied

SURFACE RIGHTS - TRESPASS

Transmission company removed fences and cut off pasture without permission	Information Supplied
Concerned about trespass on land	Referred to Department Concerned
Seeks compensation for damages caused by trespass on land	Rectified
Seeks compensation for damages to land due to trespass	Rectified

SURFACE RIGHTS - FLOODING

Controlled level of lake affecting farmer's deeded land	Information Supplied
Seeks compensation for flooded land	Rectified
Problems with Irrigation District	Information Supplied
Suffering heavy losses as a result of flooding of land	Referred to Department Concerned

SURFACE RIGHTS - FLOODING CONT'D.

Seeks assistance in alleviating local drainage problems	Under Investigation
Seeks assistance with flooding problem	Assistance Rendered

WATER WELL DAMAGE

Disagrees with findings regarding water well	Rectified

SURFACE RIGHTS - GROUNDWATER

Dispute with village over water reservoir	Assistance Rendered
Seeks compensation as debris causing stoppage of water	Assistance Rendered
Water from neighbour's sloughs draining unto his land	Under Investigation
Concerns regarding contamination of dugout	Rectified
Interference with natural drainage course creates problems	Under Investigation
Seeks assistance in correcting flow of water across his land	Rectified
Problems with water from railway ditch coming unto his property	Assistance Rendered
Request that Irrigation District straighten their canal	Under Investigation

SURFACE RIGHTS - GROUNDWATER CONT'D.

Concerned about contaminated water from gas plant running unto his land	Under Investigation

HAIL, RAIN, WIND POLLUTION

Seeks compensation for hail damage	Information Supplied
Seeks compensation for being hailed out	Unable to Assist
Rejected by insurance company due to account being unpaid	Rectified

LIVESTOCK

Animal dies after removal from grazing reserve	Unable to Assist
Seeks compensation for damaged semen	Rectified
Seeks compensation for cattle loss due to blue-green algae poisoning	Referred to Department Concerned
Seeks higher compensation for cattle sent to meat packers	Information Supplied
Feels should have received higher compensation for livestock	Assistance Rendered
Feels he should have received higher compensation for cattle sold	Assistance Rendered
Hasn't received payment for hogs sold	Assistance Rendered

FENCES

Dispute with neighbour over fence line	Information Supplied
Seeks assistance in getting paid for fence	Required Litigation
Seeks compensation for damaged fence	Unable to Assist
Requires access gate to field	Under Investigation

BUILDING PROBLEMS

Problems with hopper bins	Unable to Assist
Seeks compensation for damaged shed roof	Assistance Rendered
Seeks compensation for damages from leaky roof on shed	Information Supplied

FARM MACHINERY PROBLEMS

Deposit on truck returned when negotiations failed	Not Justified
Seeks compensation for damages when wrong fuel mixture put into gas tank	Unable to Assist
Dealer makes false statements to finance company	Information Supplied
Unable to get crop off land due to breakdown of combine	Required Litigation

FARM MACHINERY PROBLEMS CONT'D.

Seeks compensation for clutch failure due to lack of repairs	Information Supplied
Seeks assistance with tractor problems	Referred to Department Concerned
Seeking payment from insuror for diesel engine problems	Information Supplied
Seeks help in settling tractor dispute	Required Litigation
Seeks help in getting used machine repaired	Assistance Rendered
Seeks assistance with tractor problems	Unable to Assist
Charged with theft of own tractor	Referred to Department Concerned
Seeks reimbursement for mower not working properly	Assistance Rendered
Feels should be compensated for warranty on tractor	Information Supplied
Purchased baler - not working properly	Referred to Department Concerned

GENERAL REQUESTS - PROBLEMS

Requires assistance with foreclosure proceedings	Assistance Rendered
Requires assistance with cable vision	Unable to Assist
Requires assistance in collecting compensation	Assistance Rendered
Dispute over settling estate	Information Supplied

GENERAL REQUEST - PROBLEMS CONT'D.

Requires information on portions of Municipal Tax Act	Referred to Department Concerned
Seeks information regarding easement agreement	Information Supplied
Seeks compensation for crop damaged by neighbour's spraying	Assistance Rendered
Seeks information concerning release of chattels	Information Supplied
Seeks information concerning sale of gas interest	Information Supplied
Seeks information concerning pipeline documents	Information Supplied
Seeks information concerning rental reviews	Information Supplied
Wants information concerning interest shielding program	Information Supplied
Seeks assistance concerning foreclosure action	Rectified
Seeks information concerning water supply	Information Supplied
Taxation problems with Revenue Canada	No Jurisdiction
Requires assistance with foreclosure action	Information Supplied
Seeks assistance concerning foreclosure action	Information Supplied
Seeks help in preventing bank from increasing interest rate	Information Supplied
Feels grant received is less than he is entitled to	Information Supplied

GENERAL REQUESTS - PROBLEMS CONT'D

Seeks help in preventing development of ball diamond on his land	Assistance Rendered
Seeks help in getting compensation for cultivating farmer's land	Assistance Rendered
Seeks assistance with foreclosure procedure	Assistance Rendered
Seeks compensation for grass destroyed when fire set by railway company	Under Investigation
Complaint that parachutes are dropping on his land	Information Supplied
Would like someone from Office to represent him at hearing	Unable to Assist
Seeks assistance in obtaining money owing for semen	Information Supplied
Seeks assistance in collecting insurance for potato crop loss	Not Justified
Feels county dump health hazard to family and livestock	Information Supplied
Feels expelled from community pasture for no reason	Unable to Assist
Appealing chicken quota restriction	Information Supplied
Seeks assistance in leasing land from County	Assistance Rendered
Concern regarding squatter on leased land	Assistance Rendered
Requires assistance in foreclosure action	Assistance Rendered
Seeks help with foreclosure proceedings	Assistance Rendered

GENERAL REQUESTS - PROBLEMS CONT'D

Needs pipeline for water supply	Information Supplied
Seeks compensation for construction of additional poultry facilities	Requires Litigation
Seeks compensation for damage to land	Information Supplied
Concerned with banking system	Information Supplied
Financial concerns and weed problems	Information Supplied
Seeks compensation for seed purchased	Rectified
Seeks assistance with Quit Claim Document	Assistance Rendered
Seeks reimbursement from grain producers	Information Supplied
Expresses concern over certified grass seed polluted with weeds	Information Supplied
Goat producer dissatisfaction	Not Justified
Seeks assistance with foreclosure action	Unable to Assist
Dissatisfied with purchase of chemical used to control weeds	Referred to Department Concerned
Seeks help with financial concerns	Information Supplied
Claims improper procedures used in milk pickup	Rectified-Partially Justified
Seeks compensation for loss of chickens	Unable to Assist
Seeks help collecting balance of monies owing from Honey Association	Assistance Rendered

GENERAL REQUESTS - PROBLEMS CONT'D.

Experiencing difficulties concerning summer student	Rectified
Seeks assistance with foreclosure proceedings	Information Supplied
Seeks compensation for damaged field	Under Investigation
Requests cleanup of land	Unable to Assist
Seeks assistance with Quit Claim	Under Investigation
Insurance company claims farmer owes them money	Assistance Rendered
Feels not getting adequate service from iron filter purchased	Under Investigation
Dispute with neighbour over grazing lease	Unable to Assist
Disturbed that portion of wages withheld	Rectified
Feels appraisal fees too high	Rectified
Trees damaged due to seismic activity	Under Investigation
Management dispute with shareholders	Rectified
Concern regarding false advertising of herbicide	Under Investigation
Seeks assistance with Quit Claim	Assistance Rendered
Seeks assistance with business bond	Information Supplied
Incorrectly levied lien against land	Under Investigation

GENERAL REQUESTS - PROBLEMS

Requests assistance in dealings with investment dealers	Referred to Department Concerned
Feels underpaid for land that was taken from him	Under Investigation
Seeks assistance with taxation problem	Information Supplied
Information requested concerning settlement of estate	Information Supplied
Seeks assistance in purchasing land	Under Investigation

SOURCE OF WRITTEN COMPLAINTS BY LOCATION

ABEE	1	BUCK LAKE	1
ALDER FLATS	1	BURDETT	2
ALIX	1	BUSBY	1
ALLIANCE	1	BYEMOOR	1
ALSIKE	1	CADOGAN	1
ALTARIO	1	CALGARY	8
ARROWWOOD	1	CAMROSE	2
ATHABASCA	1	CARDSTON	1
BARRHEAD	5	CARNWOOD	1
BASHAW	1	CAROLINE	1
BAY TREE	1	CARROT CREEK	1
BIG VALLEY	1	CARSTAIRS	1
BLACKFALDS	1	CASTOR	1
BLUFFTON	2	CHERRY POINT	1
BON ACCORD	1	CLIVE	1
BONNYVILLE	1	CLYDE	2
BOWDEN	1	COALDALE	2
BOYLE	1	COALHURST	1
BRETON	1	COLINTON	1
BRUDERHEIM	1	CORONATION	1
BUCK CREEK	1	CRAIGMYLE	1

SOURCE OF WRITTEN COMPLAINTS BY LOCATION

CRANFORD	1	FORT VERMILION	1
DAYSLAND	1	GADSBY	3
DEBOLT	1	GLEICHEN	1
DELBURNE	1	GLENDON	2
DIDSBURY	1	GORDONDALE	1
DRAYTON VALLEY	3	GRANDE PRAIRIE	1
DRUMHELLER	3	HAIRY HILL	1
DUFFIELD	1	HALKIRK	1
ECKVILLE	3	HANNA	1
EDBERG	1	HAY LAKES	1
EDMONTON	6	HIGH PRAIRIE	1
EDSON	1	HOLDEN	1
ENILDA	1	HONDO	1
ENTWISTLE	1	HYTHE	1
ERSKINE	1	INNISFAIL	2
EVANSBURG	1	KINUSO	1
FALHER	1	KITSCOTY	1
FENN	1	LAC LA BICHE	2
FOREMOST	1	LACOMBE	2
FORESTBURG	1	LAMONT	1
FORT MACLEOD	1	LAVOY	1
FORT SASKATCHEWAN	2	LINDALE	1

SOURCE OF WRITTEN COMPLAINTS BY LOCATION

LLOYDMINSTER	1	REDWATER	3
LOUGHEED	1	RIBSTONE	1
LOUSANA	1	RIMBEY	3
MANNING	1	ROCHESTER	1
MARKERVILLE	1	ROCKY MOUNTAIN HOUSE	5
MEDICINE HAT	4	ROSALIND	2
MILK RIVER	1	ROSEBUD	1
MILLET	1	ST. LAURENT	1
MINBURN	1	ST. LINA	1
MORINVILLE	1	ST. MICHAEL	3
MYRNAM	1	ST. PAUL	2
NOBLEFORD	1	SANGUDO	2
ONOWAY	2	SILVER VALLEY	2
OPAL	1	SLAVE LAKE	1
OYEN	1	SMOKY LAKE	3
PICTURE BUTTE	1	SPIRIT RIVER	1
PLAMONDON	1	SPRUCE GROVE	4
PLEASANT VALLEY	1	STETTLER	2
PONOKA	3	SUNDRE	1
RADWAY	1	SUNNYBROOK	1
RAYMOND	1	SYLVAN LAKE	3
RED DEER	2	TABER	3

SOURCE OF WRITTEN COMPLAINTS BY LOCATION

TANGENT	1	WAINWRIGHT	3
THORHILD	2	WANHAM	1
THORSBY	3	WARBURG	2
TWO HILLS	2	WESTEROSE	1
VALLEYVIEW	2	WESTLOCK	4
VAUXHALL	1	WETASKIWIN	3
VEGREVILLE	5	WILLINGDON	1
VERMILION	2	WINTERBURN	1
VIKING	1	WOKING	1
VILNA	1	OUT OF PROVINCE	2

CASE SUMMARIES

110-1/86-11

The landowner contacted this Office indicating that the County had not followed through on a verbal agreement made by the County representative to purchase three small parcels of land surrounding a drainage ditch.

The landowner expressed his concern that these three small parcels of land, due to the construction of a drainage ditch, would not permit access with his farm machinery. The County suggested that the land be subdivided and placed for sale as highway commercial property.

This Office contacted the County and explained that we were of the opinion that a previous commitment had to be honoured by the County in respect to the land. Due to lack of access, utilization of the three separated inaccessible portions had become a burden to farming operations, as well as an inconvenience to control and eradicate noxious or prohibited weeds by the landowner.

The County agreed to review the matter and give the landowner the option to retain and subdivide for highway commercial property or have the County take full responsibility by purchasing the land.

100-3/86-6

The complainant contacted this Office indicating that she was having problems with the County regarding irregularities in road construction adjacent to her property. The initial concern surfaced when the complainant wanted to replace a fence in its legal location after it had been removed for backsloping. The complainant alleged that a survey monument had been moved prior to construction, thereby altering the location of the road which had an obvious bend in it.

Because of this assumption she requested that the County surveyors resurvey the road and re-establish the correct monument location. The County maintained that the monument location allows for a deflection of the road, therefore the Council felt no action was deemed necessary for a resurvey.

Since the complainant persisted that an error was committed this Office then pursued the matter further with the Department of Transportation. The situation was explained, and the Department agreed to resurvey the area to explain the road bend and ascertain the correct monument location. Upon completion of the survey results, it was confirmed that the monument was still in its original position where it was initially placed in 1903.

As there was considerable time and expense involved, the Department of Transportation was able to go one step further and do a re-establishment plan of the subject area which was beneficial to the County and adjacent landowners.

Having obtained the necessary information to resolve this matter the complainant was now satisfied as to the location and cause of the road deflection.

Our Office was approached by one particular shareholder who was acting on behalf of a group of dissenting cooperative seed cleaning plant shareholders. Their concern was raised over the issue of the elected Board Members' decision to terminate the employment of the manager. An inquiry was initiated when the Board Members received several complaints criticizing the attitude of the manager regarding poor public relations, rudeness, and discourtesy to other shareholders.

After repeated unsuccessful attempts to resolve the matter with the Manager, a decision was made to ask for his resignation. Some shareholders were outraged with the decision to release the manager of nine years.

Because of the animosity created between some shareholders and the elected Board Members, our Office suggested that a special general meeting be held as soon as possible. It was agreed that the Farmers' Advocate would act as Chairman of the meeting, a meeting that would be held in order to resolve the difference between the dissenting shareholders and the Board.

The Chairman allowed a full debate of the issues and reminded members of their responsibilities under the Constitution of the Co-op. After a lengthy debate a motion was introduced for the shareholders to express their confidence in the Board. A vote was taken by secret ballot, the majority of the shareholders expressed confidence in the Board.

The decision to release the existing manager was at the sole discretion of the elected Board Members without any further interference.

120-3/86-9

The complainant advised this Office that he was concerned about the operation of an oil refining company's containment pond. The complainant maintains that the containment pond overflow discharged into a natural water course which flows through his cultivated field adjacent to the plant.

During the month of July the area received an enormous amount of rainfall which subsequently flooded the containment pond forcing the water into the field. Notifying the Plant Officials, he was informed that because of the pond being at such a dangerously high level the water was prematurely released to prevent the pond containment walls from rupturing. He was also assured that water samples were being taken to determine if any contaminants were present and at what levels.

Having this water discharged into his cultivated field caused him concern over possible contamination. Because of the volume of discharge the complainant stressed a need to have operational procedures altered or pond operations discontinued indefinitely to eliminate potential future problems in seasons of heavy rainfall.

This Office proceeded to discuss the matter of operational procedures, alternatives, and the effects produced by the release of the containment pond water.

We are happy to report that operation and discharge of water from the pond is now controlled and monitored. Water samples are continuously taken from either the pond itself or the overflow area, and tested jointly by Plant Laboratory Technicians and the Department of Environment to determine if the water is fit for discharge.

100-1/86-49

This Office received a letter from a landowner indicating that he had sent notice, but had not received correspondence in return from a company regarding the increase and renewal of his surface lease agreement.

After a phone call from our Office a second letter was received five days later stating that his annual compensation had been reviewed and increased to his satisfaction.

In this case, only one phone call was required by this Office. The correspondence received indicates that companies pay attention when contacted by this Office. We acknowledge the cooperation of the company. Many of these cases do not get solved quite so easily.

130-1/86-8

A Colony contacted this Office indicating that they had not been paid for forty-six hogs sold to a packing operation. The Colony had made a prior agreement with the packers to receive a certified cheque within days after the delivery. When the cheque was not received, several requests for payment were made without any results. The complainant contacted our Office.

This Office contacted the President of the packing plant and reminded him of proper business ethics and our objection to the unreasonable delay in payment. The President apologized for the delay and payment was delivered in person.

150-1/86-14

A farmer who contacted this Office complained about the rejection of his application under the Farm Water Grant Program. The administrators of the Program maintained that the application was rejected on the basis that the minimum required distance between the point of water source and the point of use was insufficient to qualify.

The applicant constructed three separate, heated, water bowls. The first being a distance of 350 feet from the water well and installed for intermittent summer pasture use only. The second and third bowls were located in a feed lot over 570 feet from the point of water source, their intended use was permanent.

The measurement of the distance between the water source and the"in-between" water bowl was used to determine that the complainant did not qualify because of insufficient distance as outlined by the Program specifications. However this Office was of the opinion that on a basis of good common sense the distance of the closest water bowl in permanent use should have been taken into consideration.

After further discussions, the program consultants reviewed the applicant's application with the understanding that the first water bowl was only to be used on a temporary basis. The second bowl being 570 feet from the point of water source was accepted as the permanent point of use. The rejection was withdrawn and the complainant qualified for assistance.

Upon the review of this application by the Program Administrator provisions were adopted allowing a point of intermittent use. A point can be made that practical consideration should be given priority in programs to assist farmers.

100-3/86-2

The complainant had signed a right-of-way agreement for an additional 16.5 foot wide strip to the existing right-of-way of the power company. During the clearing process a number of lateral roots of two large spruce trees were severed and minor damage was also done to the bark of a third spruce tree. Other losses included one-half mile of fence along the right-of-way, and additional shelterbelt damage to pasture land outside the right-of-way with stumps left from three to six inches high. The complainant was verbally offered a cash settlement for damages and advised that a further claim would be considered if one or all of the three damaged trees died within two years. The complainant considered the offer of settlement to be inadequate.

The Office contacted the responsible party and discussed the matter in detail. They outlined their offer which excluded compensation for additional shelterbelt cut and replacement of the fence.

After further discussions with our Office, the responsible party agreed to replace the fence along the one-half mile of right-of-way and cut the stumps in the pasture down to ground level. In addition to the cash settlement for damages, they also agreed to anchor the two injured spruce trees with root damage and apply dressing to the third tree.

The complainant agreed to this settlement and with further discussion it was agreed to have him cut the stumps for a predetermined labour cost to save time and money for the other party.

150-1/83-38

In the summer of 1983 the landowner contacted this Office indicating that several trees in her well established shelterbelt had been destroyed. The trees died shortly after a gas regulating station was constructed a few meters away on the adjoining quarter section.

During construction of the regulating station site a soil sterilant was applied to eradicate and control weed growth within the site area. A short time after the sterilant was used the trees being located on the property line showed signs of sickness then soon died.

Soil samples were immediately taken from the property line to determine if the sterilant usage had overrun the boundaries of the regulation site and, if so, at what quantity levels. The results indicated that the sterilant was quite evident within the boundary line at levels sufficient enough to cause harm and eventually death to vegetation. Informing the gas company of the results, the company agreed to replace the trees as soon as possible.

In the spring of the following year the replacement trees started showing signs of sickness and died. The landowner suggested that the cause could be attributed to a very distinct and noticeable odour blown off the regulating station. The odour was investigated and found to be non-hazardous chemical inside the station house used for scenting natural gas.

Soil samples were again taken from the area of the trees. The bioassay results indicated that the sterilant was still evident within the soil at quantities much lower than originally detected, but still able to cause harm.

Cont'd.

150-1/83-38 Cont'd.

Further discussions with the Gas Company revealed their concern for replacing the trees in the immediate area of the property line. Their obvious concern was related to the death of the previously replaced trees whose death was undoubtedly attributed to the soil sterilant. Thorough testing of the surrounding soil was arranged in order to relocate the trees to a satisfactory area that would eliminate further damages from the sterilant.

After coming to an agreement with the landowner over the proposed new location, the Gas Company agreed to make every effort to see that the trees were replaced in the upcoming year.

150-1/86-27

A member of a Grazing Association approached our Office over his expulsion from the Association. Subsequent investigations revealed that the complainant was not blameless and that the other members of the Association may have had legitimate reasons for pursuing their course of action.

The Farmers' Advocate did not intervene in the settlement of this dispute other than to remind both sides that a dispute settlement mechanism formed part of the Association By-Laws by naming the Arbitration Act of Alberta as that mechanism.

100-2/86-10

A retired farm lady had difficulties arising from a well site located on her property which was being serviced by a power company.

The difficulty arose when the power company deviated from what the farm lady thought to be the agreed upon route of the powerline and in doing so removed a number of trees that served to keep the well site separated from a potential building site.

At the time of the entry of the Farmers' Advocate Office into the case the dispute had existed for several years with the focus for blame shifting, whether by design or otherwise, between the oil company and the power company.

The Office was able to sort out where the responsibility for the error lay and a subsequent monetary settlement of damage was arrived at to the landowner's satisfaction.

The common thread that exists in most of these disputes that involve powerlines and shelterbelt trees is that the trees which often are a thing of beauty protecting the land from erosion and hiding unsightly situations are gone forever and a monetary settlement does not fill that void.

130-3/86-9

This Office was contacted by the S.O.S. column, Edmonton Journal, indicating that a farmer had a problem and requested that we review the complaint. We contacted the farmer and asked him to provide us with a detailed letter explaining his situation. The farmer had purchased a used haybine from a Farm Implement Dealer and was unhappy with the quality of the machine.

When the machine was purchased the farmer was told that the machine would be field ready. Upon using the haybine for one round in the field, an axle was broken and several other parts were malfunctioning. He then approached the dealer, endeavouring to return the machine and have his money refunded. The dealer did not comply because the sale contract was signed by both parties and stated the sale was on an "as is" basis.

This Office contacted the dealer personally to discuss the sales agreement. The machine was purchased on an "as is" basis with no extended warranty thereby relieving the dealer from any further obligation other than services before delivery. Had the farmer had it stated in the sales contract that there would be a warranty period things could have been different.

The farmer was not happy and it was suggested to him that should he wish to pursue the matter of recompense further he could, for a small fee, present his case in Small Claims Court.

100-1/86-15

The Farmers' Advocate's personnel were approached while participating in a County information meeting by a farmer concerned over an oil spill on their property. The Energy Resources Conservation Board had been contacted regarding the spill but no satisfactory arrangement had been reached between the Company and the farmer on settlement of damages.

Subsequent investigations by my Office revealed the well site to be on a hillside in a position making it difficult to contain a spill. Crude oil had covered the area of slightly over an acre adjacent to the well site and a mist of spray had covered a further eight to ten acres downwind of the site.

An on-site meeting was called by the Farmers' Advocate Office with those present being in addition to my Office, the farmer, Energy Resources Conservation Board personnel, and representatives of the Oil Company.

The problem was resolved to everyones' satisfaction. Past damages were settled with the farmer and the Energy Resources Conservation Board worked out reclamation procedures with the Company. An arrangement for ongoing crop loss payments was arrived at.

A determination for the amount of ongoing crop loss payments was to be arrived at by the local District Agriculturist who would, on an annual basis prior to harvest of each year, do a crop yield check on the spill area and compare it with what he considered to be average growth areas in other parts of the same grain field.

The farmer and the Company signed an agreement witnessed by my Office and the farmer also signed a damage release in favour of the Company.

130-4/84-1

A farmer contacted our Office over a drainage related problem allegedly caused by a neighbour draining some slough areas.

Initial inquiries with both parties to the dispute revealed that many harsh words had been spoken and much ill will was present, ill will that seemed to extend into that period of time prior to the drainage problem.

Participation by the Department of the Enviornment was requested so that a thorough assessment of the technical aspects of the case could be explored.

An on-site meeting of all involved parties was arranged and a thorough walk-through of the area was made.

The inspection revealed that a natural drainage channel existed on the complainant's land and this would, under normal circumstances have taken the excess waters from the neighbour's property. The flow of waters was increased however by the drainage of a large slough.

It was agreed, although reluctantly by the complainant, to abide by the recommendation of engineers from the Department of the Environment. The Department recommended a ditch block be placed at the outlet to the slough in question. This has been done.

There were several other minor drainage issues involved in this case but the Department of the Environment considered their effect on the complainant's land to be of little consequence, an opinion shared by the Farmers' Advocate Office.

The complainant was not satisfied that he was treated fairly.

150-1/85-54

An extremely interesting case came to our attention this past summer when it was learned that one of the chartered banks had seized a substantial amount of monies from a farm company after one of the farm company's shareholders had declared for personal bankruptcy.

Subsequent inquiries revealed that the Trustee in Bankruptcy had investigated this case in regard to the bank seizing these funds and had dropped the case as they could not see why the monies were payable to the bank.

The Farmers' Advocate received several legal opinions on this matter before confronting the bank with their error. The bank, after some delay, released the fund to the farm company much to everyones' satisfaction.

WATER WELL COMPLAINT

An applicant under the Water Well Recovery Program claimed that a gas plant and its associated activities caused disruption of his farm water supply, a disruption in terms of quality and quantity.

Subsequent investigation could not relate the activities of the plant with well failure. Owners of the plant, after discussions with the Farmers' Advocate Office, installed equipment at the farmer's residence in an attempt to remove the hydrogen sulphide gas and other impurities. These efforts proved unsuccessful and eventually a new well was drilled with the company paying a significant amount of the costs.

The farmer was satisfied with the settlement and signed a damage release in favour of the company.

100-1/86-22

A farmer, the owner of a mineral interest, contacted our Office over concerns relating to what seemed excessive deductions from his royalty payments on a gas well.

While the payments seemed excessive, investigations revealed the Company was not going beyond the terms of their contract with the farmer.

The involvement of the Farmers' Advocate did however result in a retroactive assessment by the Company of processing costs incurred in 1983 and 1984 being laid aside.

The case was so typical of many cases handled by the Office in which freehold mineral owners sign contracts with producing companies without any stated limit of the amount the Company may charge them for the processing and transportation of the product prior to sale.

The costs to the mineral owners of this omission or disregard for this portion of an agreement is one of the most expensive lessons they will ever learn. Unfortunately, once an agreement is made and a well drilled, there is no means of correcting the error.

150-1/86-62

A farmer in a No-Equity position with a financial institution approached our Office for assistance in negotiating a settlement with them.

Our Office was able to negotiate a deal with the financial institution which left the farmer with his home and a quarter of land in exchange for his Quit Claiming the balance of his lands to the Financial Institution.

Unfortunately the farmer had to assume a small mortgage on his home quarter but in return he was able to lease back some of his farm at a very reasonable rent.

It has been the policy of the Office in these kind of circumstances to always try and have the farmer retain his home and home quarter if this is where he wished to continue to live.

In one case reported in a previous annual report the Office was successful in having the financial institution buy the farmer a modest house in a local town. In this particular case the farmer was in a fairly remote area and it was not practical to separate the house and building site from the balance of the farm as it needed to be placed for sale as one unit.

100-1/86-46

The complainant contacted our Office subsequent to being billed by a Rural Gas Co-op for repairs and gas loss resulting from the farmer's rupturing a gas line while crossing the line with his crawler tractor.

The area of rupture was at a point where a newly constructed oil company pipeline had crossed under a Rural Gas Co-op distribution line. The oil company pipeline ditch was backfilled at a time when frost interfered with proper backfilling.

The farmer claimed he was not responsible for the Co-op gas line damage, that it was broken while he was pursuing his normal farm practice. The farmer further asserted that the reason the line breakage occurred was a direct result of the oil company pipeline ditch construction and that had it not been there he would not have got his tractor stuck in it to the point of breaking the Co-op gas line.

After extensive dialogue the oil company did acknowledge responsibility for the Gas Co-op break.